

ORDINANCE NO. 91-14

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF LAWS AND ORDINANCES OF PALM BEACH COUNTY, CHAPTER 24 (SIGNS), AS FOLLOWS: AMENDING SECTION 24-2 (DEFINITIONS) TO INSERT A DEFINITION; AMENDING SECTION 24-71 (POINT OF PURCHASE SIGNS) TO CLARIFY THE NUMBER OF ALLOWABLE SIGNS AT PLANNED COMMERCIAL DEVELOPMENTS; AMENDING SECTION 24-96 (NON-CONFORMING SIGNS); MODIFYING SUBSECTION 24-96(C)(3) AMORTIZATION SCHEDULE BY PROVIDING FOR PETITION TO THE BOARD OF ADJUSTMENT FOR ADDITIONAL AMORTIZATION; PROVIDING FOR CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County in the exercise of its police powers to protect the public health, safety, peace and general welfare enacted Ordinance No. 88-33 which prohibited new off-premises signs and provided amortization of signs not located on the interstate and federal aid primary highway system; and

WHEREAS, Ordinance No. 88-33, as codified in the Palm Beach County Code, provided for an amortization schedule to provide the phasing out of prohibited non-conforming signs over a period of years; and

WHEREAS, Ordinance No. 88-33 was amended by Ordinance No. 89-15 which modified and clarified amortization time periods; and

WHEREAS, Ordinance No. 88-33, as amended by Ordinance No. 89-15 is currently codified in the Palm Beach County Code, Section 24-96; and

WHEREAS, Section 24-96(c)(3) is unclear as where an appeal regarding amortization may be filed; and

WHEREAS, it has been determined that additional amortization should be considered by the Palm Beach County Zoning Board of Adjustment; and

WHEREAS, certain other minor corrective amendments should be made at this time.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

PART 1. THE CODE AND LAWS AND ORDINANCES OF PALM BEACH COUNTY, FLORIDA, CHAPTER 24, SIGN CODE, SECTION 24-2, DEFINITIONS, IS HEREBY AMENDED TO ADD THE FOLLOWING IN

1 THE APPROPRIATE ALPHABETICAL ORDER:

2 Sec. 24-2 Definitions.

3 Monument Sign. A freestanding, point of purchase sign,
4 erected on the ground without a visible pole, and placed
5 upon or supported by the ground.

6 PART 2. THE CODE AND LAWS AND ORDINANCES OF PALM BEACH COUNTY,
7 FLORIDA, CHAPTER 24, SIGN CODE, SECTION 24-71 (b) (1) AND
8 SECTION 24-71 (B) (2), POINT OF PURCHASE SIGNS, ARE
9 HEREBY AMENDED AS SHOWN BELOW. THE REMAINDER OF SECTION
10 24-71 (b) REMAINS UNCHANGED.

11 Sec. 24-71 Point of Purchase Signs.

12 (b) The following applies to freestanding signs:

13 (1) For each development not Net more than three (3)
14 freestanding signs shall be permitted on each
15 property line adjacent to a public street.
16 Outparcels of a valid planned commercial
17 development shall not be considered separate
18 developments. However, each outparcel may construct
19 one monument sign per each adjacent street, which
20 shall not count toward the limit of three (3)
21 freestanding signs per development. Each monument
22 sign shall not exceed twenty (20) square feet in
23 total sign area, and not exceed six (6) feet in
24 height above the finished grade of the lot,
25 including support structure. The total area of the
26 support structure shall not exceed the area of sign
27 face.

28 (2) The total sign area of all freestanding signs
29 permitted on any property line adjacent to a public
30 street shall be prorated on the basis of one (1)
31 square foot of sign area for each lineal foot of
32 property line adjacent to that public street except
33 for temporary signs and as otherwise noted in this
34 code; however, no freestanding sign shall exceed
35 one hundred eighty (180) square feet in total sign
36 area per face.

37 PART 3. AMENDMENT TO ORDINANCE NO. 88-33 AS AMENDED BY ORDINANCE
38 NO. 89-15 AND CODIFIED IN SECTION 24-96 PALM BEACH COUNTY
39 SIGN CODE.

40 The Code of Laws and Ordinances of Palm Beach
41 County, Florida, Chapter 24, Sign Code, Section 24-
42 96(c)(3) Non-conforming Signs, is hereby amended as
43 follows:

44 (c) Amortization schedule.

45 (3) If a property owner or owner of the sign or sign
46 structure believes the schedule in subsection (2) above
47 does not minimize its loss, recoup its initial
48 investment, or is generally unreasonable given the

Shaded text (e.g. the) represents new language.

Crossed out text (e.g. the) represents language to be deleted.

1 specific conditions of that sign or sign structure, the
2 property owner or sign owner may petition ~~for review~~
3 ~~within one (1) year from the date of the official~~
4 ~~amortization notice to provide that a particular sign or~~
5 ~~sign structure requires additional time to minimize its~~
6 ~~loss and recoup its investment~~ the Board of Adjustment
7 for an extension of the amortization time period. The
8 Board of Adjustment may extend the amortization time
9 period for up to an additional five (5) years if it
10 concludes that a particular sign or sign structure
11 requires additional time to minimize its loss or recoup
12 its investment. The petition for additional amortization
13 shall be submitted to the Board of Adjustment at least
14 ninety (90) days prior to the expiration of the five (5)
15 year amortization period.

16 **PART 4. REPEAL OF LAWS IN CONFLICT**

17 All local laws and ordinances applying to the
18 unincorporated area of Palm Beach County in conflict with any
19 provisions of this ordinance are hereby repealed.

20 **PART 5. SEVERABILITY**

21 If any section, paragraph, sentence, clause, phrase, or
22 word of this ordinance is for any reason held by the Court to be
23 unconstitutional, inoperative or void, such holding shall not
24 affect the remainder of this ordinance.

25 **PART 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

26 The provisions of this ordinance shall become and be made
27 a part of the code of laws and ordinances of Palm Beach County,
28 Florida. The Sections of the ordinance may be renumbered or
29 relettered to accomplish such, and the word "ordinance" may be
30 changed to "section", "article", or any other appropriate word.

Shaded text (e.g. the) represents new language.
Crossed out text (e.g. the) represents language to be deleted.

PART 7. EFFECTIVE DATE

The provisions of this ordinance shall become effective upon receipt of acknowledgement by the Secretary of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 5th day of March, 1991.

**PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS**

By: Carrie Phillips
Vice Chair

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

Robert O. Bouslog
County Attorney

JOHN B. DUNKLE, CLERK
Board of County Commissioners

By: Judith Croshaw
DEPUTY CLERK

Acknowledgement by the Department of State of the State of Florida, on this, the 15th day of March, 1991.

EFFECTIVE DATE: Acknowledgement from the Department of State received on the 19th day of March, 1991, at 11:01 A.M., and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners, hereby certify this to
be a true and correct copy of the original filed in
my office on 3/5/91
DATED at West Palm Beach, FL on 3/20/91
JOHN B. DUNKLE, Clerk
By: Deputy Clerk

Shaded text (e.g. ~~the~~) represents new language.
Crossed out text (e.g. ~~the~~) represents language to be deleted.